

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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CALAMAR CAPITAL SERVICES, LLC,
N.A. REALTY FUND II, LLC, and
INDICAL PARTNERS, LLC

Index No. 24-CV-00684-JLS

Plaintiffs,

-against-

BCMK INVESTMENT HOLDINGS, LLC,
BRENT E. CAREY, AND
INDIGO GLOBAL ADVISORS, LLC

**DECLARATION OF
ROBERT M. TILS**

Defendants.
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ROBERT M. TILS, pursuant to 28 U.S.C. §1746, hereby declares and states under the penalties of perjury as follows:

1. I am a member of the law firm of Moritt Hock & Hamroff LLP, attorneys for the Defendants BCMK Investment Holdings, LLC, Brent E. Carey, and Indigo Global Advisors, LLC, and I respectfully submit this Declaration in support of Defendants Motion to Dismiss the Complaint of Plaintiffs Calamar Capital Services, LLC, N.A. Realty Fund II, LLC, and IndiCal Partners, LLC pursuant to the Federal Rule of Civil Procedure 12(b)(1), (2), and (6).

2. Attached hereto as Exhibit "A" is a true and correct copy of the Complaint, dated May 22, 2024 and filed by Plaintiffs in Supreme Court of the State of New York, Niagara county, Index No. E183510/2024, which action was removed to this Court on July 22, 2024. [Doc. Nos. 1-3]

3. Attached hereto as Exhibit "B" is a true and correct copy of the Comprehensive Arbitration Rules and Procedures of Judicial Arbitration and Mediation Services ("JAMS"),

4. which was accessed at www.jamsadr.com/rules-comprehensive-arbitration/ on July 26, 2024.

5. Attached hereto as Exhibit “C” is a true and correct copy of the Streamlined Arbitration Rules and Procedures of JAMS, which was accessed at www.jamsadr.com/rules-streamlined-arbitration/ on July 26, 2024.

I declare under the penalty of perjury of the laws of the United States and the State of New York that the foregoing is true and correct to the best of my knowledge and information.

Executed this 29th day of July, 2024.

s/ Robert M. Tils
ROBERT M. TILS